

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

ZANNIE JAY LOTHARP,)
)
 Plaintiff,)
)
 v.) 1:20CV1062
)
 OFFICE OF THE U.S. ATTORNEY,)
)
 Defendant.)

ORDER

The Recommendation of the United States Magistrate Judge was filed with the Court in accordance with 28 U.S.C. § 636(b) and, on March 21, 2022, was served on the parties in this action. (ECF Nos. 3, 26.)* It recommended that this action be dismissed pursuant to 28 U.S.C. § 1915A for being frivolous or malicious or for failing to state a claim upon which relief may be granted. (ECF No. 3 at 5.) Plaintiff filed objections to the Magistrate Judge's Recommendation. (ECF No. 27.) The Court has appropriately reviewed the Magistrate Judge's Recommendation and has made a *de novo* determination in accord with the Magistrate Judge's Recommendation. The Court therefore adopts the Magistrate Judge's Recommendation.

* Due to his failure to timely update his address, Plaintiff did not receive the Court's original attempts to serve the Recommendation on him and thus failed to object to the Recommendation until after this Court entered judgment against him, at which point Plaintiff simultaneously filed objections and appealed to the United States Court of Appeals for the Fourth Circuit. (See ECF Nos. 4-12.) The Fourth Circuit vacated that judgment and directed that the Court provide Plaintiff a copy of the Recommendation. (See ECF Nos. 23, 24.) As such, the Court again mailed Plaintiff a copy of the Recommendation, (see ECF No. 26), to which he timely objected, (see ECF No. 27).

IT IS THEREFORE ORDERED that this action is DISMISSED pursuant to 28 U.S.C. § 1915A for being frivolous or malicious or for failing to state a claim upon which relief may be granted.

A Judgment dismissing this action will be entered contemporaneously with this Order.

This, the 8th day of April 2022.

/s/ Loretta C. Biggs
United States District Judge